

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

MAXIMUM SEPARATION)	Civil Action No.: 04-CV-00324
SYSTEMS, INC.)	
)	Judge: Burgess
Plaintiff,)	
)	
v.)	
)	
SOLMETEX, INC.)	
)	
Defendant.)	

AFFIDAVIT OF TONY MacDONALD

I, Tony MacDonald, being first duly cautioned and sworn, state that:

1. I am the V.P. of Sales and Marketing of SolmeteX, Inc. ("SolmeteX"). I have personal knowledge of the matters stated herein and would so testify if called upon to give testimony in this matter.
2. SolmeteX is a Delaware corporation having its headquarters in Northborough, Massachusetts, which is located a few miles from Worcester, Massachusetts.
3. I am employed by SolmeteX at its headquarters in Northborough, Massachusetts.
4. I reside nearby Northborough, Massachusetts, and only a few miles from Worcester, Massachusetts.
5. SolmeteX does not maintain a single office, employee, or representative in Washington.

6. SolmeteX does not design or manufacture dental amalgam separators in Washington.

7. In 2003, SolmeteX's Washington sales of the allegedly infringing products accounted for approximately 2.8% of SolmeteX's total units sold and approximately 6.0% of SolmeteX's units sold in the United States. Those same sales resulted in less than \$50,000 in gross revenue, and only accounted for approximately 3.2% of SolmeteX's total gross revenue for the allegedly infringing products and approximately 6.1% of SolmeteX's gross revenue in the United States for the allegedly infringing products.

FURTHER AFFIANT SAYETH NAUGHT.

Date: MARCH 12, 2004

Tony MacDonald
Tony MacDonald

STATE OF MASSACHUSETTS)
) ss:
COUNTY OF Worcester)

Subscribed and sworn to before me this 12th day of March, 2004.

Milton H. Bunker
Notary Public

My Commission Expires: June 20, 2008

(SEAL)

K:\SXM2\Affidavit McDonald.doc

